



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Hon. Sylvia O. Hinds-Radix
Corporation Counsel

LAUREN F. SILVER
Assistant Corporation Counsel
Labor & Employment Law Division
Phone: (212) 356-2507

January 16, 2023

By ECF

Honorable Denny Chin
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: Pitre v. City of New York, et al.,
18-CV-5950 (DC)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants in the above-referenced action. I write on behalf of the parties, and per the Court's January 12, 2023, conference instructions, to inform the Court on the parties' stipulated facts and exhibits, and to inform the Court about the witnesses that Plaintiff intends to call.

Plaintiff's Witnesses¹

Joseph M. Mastropietro (defendant)
Jan Borodo (defendant)
John Fiorentino (deceased former defendant via reading deposition transcript excerpts into the record)
Ed Pitre
Dudley Placide
Ismael Ortiz
Madeline Cuevas (nee Ramos)
Joseph K. Adams
Gregory Seabrook

¹ Defendants object to the below witnesses testifying about anything other than what Your Honor ruled with respect to Defendants' motion *in limine*, specifically testimony other than their direct observations of discriminatory acts against Plaintiff.

Stipulated Facts:

1. Plaintiff Edward Pitre was employed by Defendant City of New York at the New York Fire Department (“FDNY”) as a Communications Electrician from October 2000 to March 2016.
2. John Fiorentino was employed by FDNY from December 1977 to January 2021.
3. Defendant Joseph Mastropietro was employed by FDNY from January 1997 to June 2020.
4. Defendant Jan Borodo is currently employed by FDNY and began working there in November 2006.
5. The City of New York is an employer covered by the FMLA.

Stipulated Exhibits

Exhibit #	Bates Stamp	Description	Comments
P 1 F	P00040-52	Text messages	Stipulate
P 2		1099s – 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022	Stipulate
P 3		Assorted NYCERS paperwork	Stipulate
P 7	DEF00099	Plaintiff’s NYCERS retirement letter	Stipulate
P 10	DEF_000199-202	commuter vehicle writeup	Stipulate
P 13		Deposition transcript of Defendant John Fiorentino	Stipulate to only certain portions as specified in Section “h” of the JPTO by Defendants
A	DEF388-DEF425	FDNY Time and Leave Manual	Stipulate
C	DEF426-DEF513	Civilian Code of Conduct	Stipulate
E	DEF1-DEF3	Communication Electrician Duties and Responsibilities	Stipulate
G	DEF196	March 13, 2015 Letter	Stipulate
H	DEF197	January 24, 2013 Letter	Stipulate
I	DEF198	27, 2013 Letter	Stipulate

J	DEF199-200	November 5, 2014 Letter	Stipulate
K	DEF201-DEF202	November 14, 2014 Letter	Stipulate
L	DEF203-208	November 5, 2014 Letter	Stipulate
BB	DEF0522	Organizational Structure	Stipulate

We thank the Court for its attention in this matter.

/s/ Lauren F. Silver
Lauren F. Silver
Assistant Corporation Counsel

cc: Seamus P. Barrett, Esq. (By ECF
Derek Smith Law Group, PLLC
One Penn Plaza, Suite 4905
New York, NY 10119
Seamus@dereksmithlaw.com